

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

GERRY ALLEN HODGE,
By and through His Legal Guardian,
LINDA FARROW,

Plaintiff,

vs.

Case No.:

WALGREEN CO., d/b/a Walgreens #07901
Serve at:
The Apprentice-Hall Corp. Systems, Inc.
221 Bolivar Street
Jefferson City, MO 65101

Defendant.)

PETITION FOR DAMAGES

COMES NOW, Plaintiff, Gerry Allen Hodge, by and through his legal guardian, Linda Farrow, and by and through the undersigned counsel of Lowther Johnson Attorneys at Law, LLC, and for his cause of action against Defendant, Walgreen Co., d/b/a Walgreens #07901 ("Defendant"), states, alleges, and avers as follows:

PARTIES

1. Plaintiff, Gerry Allen Hodge, is an incapacitated person residing in Greene County, Missouri.
2. Plaintiff, Gerry Allen Hodge, brings this cause of action by and through his legally appointed guardian, Linda Farrow.
3. Linda Farrow is the legally appointed guardian of Plaintiff. (See Exhibit "A" attached hereto and incorporated herein by reference).



4. Defendant is an Illinois corporation doing business in the State of Missouri and doing business at 1050 US Highway 60 East, Republic, Greene County, Missouri and may be served by serving its registered agent at the address stated above.

JURISDICTION AND VENUE

5. This Court has personal jurisdiction over Defendant because Defendant was doing business in the State of Missouri where the wrongful acts occurred, and Defendant otherwise has sufficient minimum contacts with Missouri to confer jurisdiction with this Court.
6. Venue and jurisdiction are further proper in this Court because Defendant engaged in the wrongful conduct that forms the basis of this lawsuit, and the cause of action incurred and Plaintiff was first injured as a result of Defendant's wrongful conduct in Greene County, Missouri. See Mo.Rev.Stat. §508.010.

GENERAL ALLEGATIONS

7. On or about August 2, 2018, Defendant owned, leased, or otherwise controlled certain premises located at 1050 US Highway 60 East, Republic, Greene County, Missouri.
8. On August 2, 2018, there was a parking spot and entrance to the premises along with textured bricks where the parking lot and sidewalk meet. ("dangerous condition").
9. Defendant knew or should have known of the dangerous condition.
10. On or about August 2, 2018, Plaintiff was traversing along the parking lot near where the sidewalk meets the parking lot when he took a step and tripped over the dangerous condition.

11. On or about August 2, 2018, Plaintiff was injured when he tripped on the dangerous condition.
12. On or about August 2, 2018, Defendant failed to maintain said premises in a safe and hazard-free condition.
13. Defendant knew or had information from which Defendant, in the exercise of ordinary care, knew or should have had information from which the Defendant, in the exercise of ordinary care, should have known that anyone entering the premise would be exposed to the dangerous condition.
14. Defendant knew or should have known that the dangerous condition presented an unreasonable risk of harm to those using Defendant's facilities.
15. Defendant failed to prevent Plaintiff from being exposed to the harm he incurred from tripping and falling on the dangerous condition.
16. The tripping and falling of Plaintiff was caused by the carelessness and negligence of Defendant in failing to provide a reasonable, safe, and hazard-free condition and then allowing a dangerous condition to exist on its premises or the premises that it controlled.
17. Defendant failed to use ordinary care in one or more of the following respects:
 - (a) Defendant failed to warn of the dangerous condition;
 - (b) Defendant failed to remedy or remove the dangerous condition; and
 - (c) Defendant failed to barricade the dangerous condition.
18. Because of the dangerous condition, and Defendant's failure to maintain the property in a safe and hazard-free condition, Plaintiff sustained the following: past, present, and future medical supplies, medicine, and services of

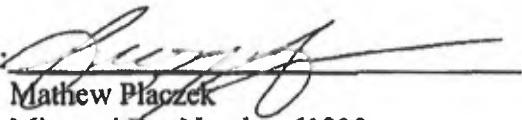
physicians, nurses, hospitals, pharmacists, physical therapists, and services of all other healthcare providers, and related medical expenses; injury to his head, face, nose, brain, skull, and all the upper parts of his neck, face, head and skull; injury to his left hand; Injury to the body as a whole; and Plaintiff has suffered pain of body, anguish of body and mind, and the aforesaid injury is and will be permanent, and progressive.

WHEREFORE, Plaintiff prays for Judgment against the Defendant for a sum which is fair and reasonable and in excess of \$25,000.00, together with his costs herein expended, and any and all other and further relief as the Court deems just and proper in the premises.

Respectfully submitted.

**LOWTHER JOHNSON
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